

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

JACOB HEATH VANSLYKE, #189698

PLAINTIFF

v.

CAUSE NO. 1:17cv164-LG-RHW

PEARL RIVER COUNTY, ET AL.

DEFENDANTS

**ORDER ADOPTING REPORT AND RECOMMENDATION
AND GRANTING SUPPLEMENTAL MOTION TO DISMISS**

This cause comes before the Court on the [95] Report and Recommendation of United States Magistrate Judge Robert Walker entered in this cause on May 10, 2019. Magistrate Judge Walker reviewed the Supplemental Motion to Dismiss filed by Defendant Wayne Grayson, M.D. in this *pro se* prisoner civil rights lawsuit. In his Motion, Grayson notified the Court that Plaintiff had taken no action after having been given an opportunity to provide a street address so that the U.S. Marshals Service could effect service on Dr. Grayson. (*See* Order Adopting R & R, ECF No. 89.) Plaintiff VanSlyke responded that he had no way of obtaining a current street address for Dr. Grayson. (Pl. Resp., ECF No. 94.) Magistrate Judge Walker concluded that Dr. Grayson should be dismissed as a defendant for lack of service of process. Plaintiff did not file an objection to the Magistrate Judge's findings and conclusions.¹ Under these circumstances, the Court need only review

¹ The Report and Recommendation was received at the correctional facility housing VanSlyke, according to his recently filed change of address correspondence, on June 21, 2019. (*See* ECF Nos. 96 and 97.) However, the mail was returned as

the Report and Recommendation and determine whether it is either clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). After review of this matter, the Court finds that the Report and Recommendation is neither clearly erroneous nor contrary to law. It will therefore be adopted as the opinion of this Court.

IT IS THEREFORE ORDERED AND ADJUDGED that the [95] Report and Recommendation of United States Magistrate Judge Robert H. Walker entered in this cause on May 10, 2019 should be, and the same hereby is, adopted as the finding of this Court.

IT IS FURTHER ORDERED AND ADJUDGED that Defendant Wayne Grayson, M.D.'s [93] Supplemental Motion to Dismiss is **GRANTED**. Plaintiff's claims against Wayne Grayson, M.D. are **DISMISSED** without prejudice.

SO ORDERED AND ADJUDGED this the 27th day of June, 2019.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE